

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

2015 DEC -9 AM 11:26

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GRAY M. CARTLEDGE,

Plaintiff,

v.

CASE NO. CV415-276

BANKERS LIFE & CASUALTY  
COMPANY, K.F. AGENCY, INC.,  
BRIAN JOHNSON, JERMAINE  
RIVERS, and CHARLES MARTIN,

Defendants.

O R D E R

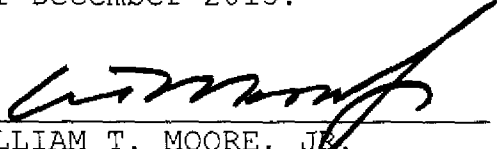
Before the Court is Plaintiff's Motion for Remand (Doc. 9), to which Defendants<sup>1</sup> have consented (Doc. 11). Plaintiff contends that the parties are not wholly diverse and there are no federal questions. (Doc. 9 at 1-2.) The Defendants state that their removal of the case was based only on potential federal claims under 42 U.S.C. § 1981. (Doc. 11 at 2.) However, Defendants consent to the request for remand because Plaintiff has filed an amended complaint indicating that Plaintiff is not asserting any federal claims. (Doc. 11 at 2.) The Court agrees with Defendants that the removal was based on a purported

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<sup>1</sup> Defendant Jermaine Rivers did not consent to either the removal or remand. According to a review of the docket of the Superior Court of Chatham County, there is no evidence that Plaintiff served Defendant Rivers.

federal question, rather than diversity. Regardless, the result is the same. This Court may only hear cases that it has been authorized to hear by the Constitution or Congress. See Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375 (1994). The amended complaint does not include any federal question including any claim made under 42 U.S.C. § 1981 and the parties do not argue that complete diversity exists. (Doc. 8; Doc. 11 at 1) Accordingly, Plaintiff's motion is hereby **GRANTED** and this case is **REMANDED** to the **Superior Court of Chatham County, Georgia**. Each party will be responsible for their own attorney's fees and costs. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 9<sup>th</sup> day of December 2015.

  
WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA